

EDWARD H. KUBO, JR. 2499
United States Attorney
District of Hawaii

THOMAS A. HELPER 5676
Assistant U.S. Attorney
Room 6-100, PJKK Federal Building
300 Ala Moana Blvd.
Honolulu, Hawaii 96850-6100
Telephone: (808) 541-2850
Facsimile: (808) 541-3752
E-mail: tom.helper@usdoj.gov

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

LUCAS BRUNO III, CHRISTOPHER)	CIVIL NO. 03-00567 JMS BMK
GAHR, FRANK ROBERT PAULSON,)	
CHARLES TURNER, and TOM)	DEFENDANT'S PROPOSED SPECIAL
YOUNG,)	VERDICT FORM; CERTIFICATE OF
)	SERVICE
Plaintiffs,)	
)	
vs.)	
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	Trial: April 24, 2007
SECURITY,)	Judge: J. Michael Seabright
)	
Defendant.)	
_____)	

DEFENDANT'S PROPOSED SPECIAL VERDICT FORM

Defendant Michael Chertoff, in his capacity as Secretary of the Department of Homeland Security, hereby submits his proposed Special Verdict Form.

1. Has the plaintiff proved by a preponderance of the evidence that the plaintiff's race (Caucasian) or national origin was a motivating factor for the defendant's decision to terminate his employment?

YES

NO

If you answered "NO" to question number 1, you have rendered your verdict. Skip the remaining questions, have the Foreperson sign this verdict form, and advise the Court that you have reached a unanimous verdict. If the answer to Question No. 1 is "yes," proceed to Question No. 2.

2. Has the defendant proved, by a preponderance of the evidence, that the defendant would have made the same decision not to promote plaintiff even if the plaintiff's race had played no role in the defendant's decision terminate plaintiff?

YES

NO

If your answer to Question No. 2 is "no," proceed to Question 3. If your answer to Question No. 2 is "yes," you have

rendered your verdict. Skip the remaining question, have the Foreperson sign this verdict form, and advise the Court that you have reached a unanimous verdict.

3. What sum of money, if any, do you unanimously agree will fairly and reasonably compensate plaintiff for the injuries he proved he suffered as a result of the race or national origin discrimination you found?

Amount: \$ _____

You have completed this Special Verdict Form. The foreperson should sign and date it, and advise the court that you have reached a unanimous verdict.

DATED: _____

FOREPERSON

DATED: April 3, 2007, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

/s/ Thomas A. Helper
By _____
THOMAS A. HELPER
Assistant U.S. Attorney

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

LUCAS BRUNO III, CHRISTOPHER)	CIVIL NO. 03-00567 JMS BMK
GAHR, FRANK ROBERT PAULSON,)	
CHARLES TURNER, and TOM)	CERTIFICATE OF SERVICE
YOUNG,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
MICHAEL CHERTOFF, Secretary,)	
DEPARTMENT OF HOMELAND)	
SECURITY,)	
)	
Defendant.)	
_____)	

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing was served on the following at their last known address:

Served by First Class Mail:

Moises A. Aviles	April 3, 2007
Aviles & Associates	
560 N. Arrowhead Ave., Suite 2A	
San Bernardino, CA 92401	

Served Electronically through CM/ECF:

G. Todd Withy	April 3, 2007
Withylawcourt@aol.com , withylaw@aol.com	

Attorneys for Plaintiff
CHRISTOPHER GAHR

DATED: April 3, 2007, at Honolulu, Hawaii.

/s/ Coleen Tasaka-Shoda
